

FILED	LODGED
RECEIVED	
MAY 15 2023	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA DEPUTY	

3:23-CV-05399-RAJ-GJL

Davey

v.

Washington State (DSHS)

Motion to
Show Cause &
Compel

- 1 It is My understanding, as I was an advocate for DRW (CDAN) that a Pre-Trials Rights Fall under the 14th Amendment at the Signing of the Probable Cause by the Judge, and therefore Detained awaiting Trial.
- 2 It is also My understanding that at the Signing of the Judges Order at the Plea & Sentencing hearing that when a Pre-Trial Detainee Plea Guilty or is found Guilty, that detainee is no longer a Pre-Trial Detainee but a Convicted Detainee, and that Detainee's Rights fall under the Subjective 8th Amendment Standard at time of Sentencing not when they Transfer Him or Her. That Person is a 8th Amendment Convicted Detainee Even in the County Jail awaiting Transfer.
3. Is it sufficient to say that on 4-5-2023, when the Judge signed an order for Competency Evaluation and My Trial was stopped, that all Proceedings were put on Stay, that My Right would fall under the intersection between Two Distinct 14th Amendment Rights imperatives in which I am a Civil Detainee awaiting Civil Proceeding. See Jones v. Baca, P.I Motion.

2010 U.S. Dist. Lexis 143589... "Citing" Youngberg v. Romeo, 457 U.S. 307, 319, 102 S. Ct. 2452, 73 L. Ed 2d 28 (1982)

4. When a Court has ordered an individual to undergo Competency evaluation or Restoration, the individual's Criminal Case is Stopped/Stayed, during all Competency-Related-Proceedings. See RCW 10.77.084 (Providing that after a Criminal defendant has been found incompetent, the proceedings against the Defendants are Stayed). Washington State Court Rules: Superior Court Criminal Rules. CrR 3.3(e)(1) excluding all proceedings related to the Competency of a Defendant to Stand Trial when Computing time for Trial.
5. The PLRA does not apply to Civilly incapacitated Committed detainees. See Ruston v. Dallas Cnty, No. 07-10206, 2007 U.S. App. LEXIS 30583 (5th Cir. Dec 18 2007) See also Michau v. Charleston Cnty, 434 F.3d 725, 727 (4th Cir. 2006) Troville v. Venz, 303 F.3d 1256, 1260 (11th Cir. 2002); PAGE v. TORREY, 201 F.3d 1136, 1139-40 (9th Cir. 2000)
6. Therefore 28 U.S.C.S. Section 1915 and 42 U.S.C. 1997(e) Specifically in this Case, In-Forma Pauperis, does not Apply and My 6 Month Trust Should not be needed, however I have only been incarcerated at Pierce County

P. 2 Motion

Jail Since 4-4-2023...

- 7 I have already submitted Documents Pertaining to My Competency, but I will Submit My last Document.
8. I am Diagnosed with Extreme Anxiety, PTSD, Schizo Affective Disorder. My thoughts become Subject to the orders of the Sky People. At times I am not allowed to write because they tell me not to.
9. Also, I Compel the Court to Change My Case Name to Wolf Clan v. Washington State (DHS) et.al. My Legal name is Echata C. Wolf Clan, that's the name on My Social Security Card, that's My name on My Washington State ID, it's the Name I am arrested under, and it's the Name I filed this 1983 Complaint under; I ask Respectfully that this Case Name be changed...
- 10 I Did however, file a 1983 Complaint 2 years ago under My then Legal Title (Davey) See 3:21-cv-05068-JCC-SKV.)
- 11 I would also ask the Court to Compel Pierce County, to immediately Release the 2014 Engineering Report that Pertains to the Plumbing and the Email on January 28th 2021, between Maintenance & Sgt Relating to the Squalid Conditions.
- 12 I would also Compel the Court to ask Stoel Rives LLP Scott Pritchard, to assign himself to this Cause since "Stoel Rives LLP" has Valuable Documents Relating to this Case...

13 I also ask the Court to Show Cause why it should not Compel Washington State "DSHS", to pay a Fine of 2,000 Dollars Per day for its "Willful Disobedience" and "Contempt" for not only failing to Transport Me to a State Hospital within 7 "Seven days of DSHS" Receipt of the order as required by Court Order, Statute and Case Law, including Trueblood v. Washington v. Washington State D.S.H.S., but for its Negligence in forcing Me to be subject to Filthy inhumane Housing, unreasonable Housing, the Wanton infliction of Physical Pain", The Wanton infliction of Psychological Pain, For Negligently failing to Protect Me from foreseeable Harm by not using Reasonable Care to avoid Placing Me "their Patient" in Harms Way while being Denied My Right to Petition the Government by Grievance, which would become Public Knowledge (which is a Sign they are Covering up this Knowledge), and Relief from all Defendants in the Amount of 5,000,000 Dollars (5 Million Dollars) For Punitive and Compensatory Damages.

14 I seek Declaratory Relief By Washington State (D.S.H.S.) through its Secretary that the Conditions are Far Greater than Governmental Misconduct, and although, "Prison officials therefore have a "Duty" to ensure that Prisoners are Provided adequate Shelter, food, Clothing, Sanitation, Medical Care, and Personal Safety. Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000).

Washington State (DSHS) is Legally Responsible for the Harmful Consequences of Pierce Counties' Policies, Practices and Customs because through Washington State's "D.S.H.S." "Willful Disobedience and Contempt" Plaintiff is being Held in inhumane and Restrictive Punitive Conditions.

15 So we find a Nexus between Washington State's Negligence & Pierce Counties Misconduct, by not only forcing me to endure Dehumanizing inhumane Conditions of Confinement, but its willful Disobedience in Housing Mein UnReasonable Settings.

16 This negligence is in Direct Conflict with the States Interest in Prompt evaluations and Treatment so that the individual May not only be brought to Trial, but have a fair Trial, especially for individuals whose illnesses become More habitual and Harder to Treat while they wait in Squalid, unhygienic Conditions. See Trueblood v. Washington State (DSHS)

17. In Jones v. Blanas, 393 F.3d 918, 934 (9th Cir 2004) the held that a Civil Detainee awaiting adjudication is entitled to Conditions of Confinement that are not Punitive.

18. With respect to an individual Confined awaiting adjudication under Civil Process, a Presumption of Punitive Conditions arises where the individual is detained under Conditions identical to, Similar to, or More Restrictive than those under which Pre-Trial Criminal Detainees are held, or where the individual is detained under Conditions More Restrictive than those he or she would face upon Commitment. See Jones v. Baca, 2010 U.S. Dist. LEXIS 143589 citing Blanas, 393 F.3d at 933-34.

19. Please See Amended Complaint that I will be

Sending in by End of Week on not only Pierce County Jail's inhumane living condition and unfair Treatment of Washington State's Patient, but officials have acted in Retaliation using it Policies, Procedures and Customs as a Guise to humiliate me and now Put Me in a Psychological state of Fear and Abuse...

I declare that all things I have Stated are True and Correct to the Best of my ability.

Signed @ Pierce County Jail

May 11th 2023

Echota Wolfclan
Wolfclan.E

P.S When Sending Documents
Please use Legal name, not Justin
Dawey...

My Mail is Being opened

Echota Wolfclan 2023094003

Pierce County Jail

910 Tacoma Ave S.

Tacoma WA. 98402

PL

Pierce County District Court
930 Tacoma Ave So, Room 239
Tacoma, WA 98402
(253) 798-7487

COURT ORDER

Page 1 of 1

State by: DPA D. RAAZMAKERS		Deft by: DAC A. DANFORTH	
<input checked="" type="checkbox"/> AOR	<input type="checkbox"/> Standby	DAC: <input type="checkbox"/> Appointed	<input type="checkbox"/> Not eligible
<input type="checkbox"/> Referred for DAC Screening report today OR within 48 hrs from release			
<input type="checkbox"/> Hiring Private Counsel		<input type="checkbox"/> Veteran	
Interpreter: _____		<input type="checkbox"/> 10.77 in File	

DEFENDANT WOLFCLAN, ECHOTA CHEROKEE		AKA DAVEY, JUSTIN ALLEN		BIRTHDATE 07/26/1986		Probable Cause: <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> CDL	
ADDRESS				TELEPHONE #		<input checked="" type="checkbox"/> In Custody <input type="checkbox"/> Taken Into Custody			
CASE NO.	CHARGE / SECTION	BAIL	AMENDED TO	CONVICTION BAC	DISPO	JAIL TIME	JAIL SUSP	CREDIT FOR TIME SERVED	FINE / COSTS
1. 3AC000662	ASSAULT 4TH DEGREE	NO BAIL HOLD							
	ASSAULT 4TH DEGREE	—							
9:52 AM CASE HEARD IN CUSTODY VIA ZOOM FOR COMPETENCY HEARING									
DEFENDANT FOUND NOT COMPETENT PURSUANT TO RCW 10.77									
STATE REQUEST ORDER FOR RESTORATION TREATMENT									
DEFENSE OBJECTS AND REQUEST DISMISSAL									
ORDER FOR RESTORATION TREATMENT SIGNED BY JUDGE LINEBERRY									
NOTICE OF INELIGIBILITY TO POSSESS A FIREARM FILED									
CASE SET FOR STATUS UPDATE HEARING ON 06/06/2023 @ 08:45 AM VIA ZOOM IN COURTROOM 543									

☒ Speedy Trial End Date: TOLLED

YOU MUST RETURN TO COURT ON:

06/06/2023 at 8:45 AM for Competency/Arraignment in room 543 before Judge Jeanette A. Lineberry

I understand that I must physically/remotely (as determined by the Court) appear in court for any and all Court dates where my presence is required and failure to appear may result in the issuance of a bench warrant for my arrest.

You must do exactly what is ordered as stated above and appear at all probation appointments. Failure to do so may result in a hearing being set to address any non-compliance and possible sanctions may be imposed or a warrant may be issued for your arrest.

DEFENSE COUNSEL SHALL INFORM DEFENDANT OF ALL COURT DATES AND SHALL ENSURE THAT THE DEFENDANT HAS BEEN PROVIDED NOTICE OF ANY HEARINGS AT WHICH THE DEFENDANT'S PHYSICAL OR REMOTE APPEARANCE IS REQUIRED.

You must notify the court of any change of address within 10 days of such change.

Copy printed at jail

4/25/2023
DATE


Judge Jeanette A. Lineberry
(543)

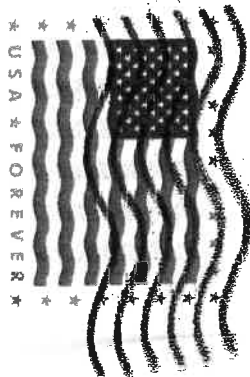
3AC000662
ZSS

4/25/2023

Inmate Name Echola Wolfen
Booking Number 2023094005
Pierce County Sheriff's Department
910 Tacoma Ave S
TACOMA WA 98402-2104



TACOMA WA 983
OLYMPIA WA
12 MAY 2023 PM 4 L



United States Court
1717 Pacific Ave
Tacoma WA
98402

98402-323499

